

**REMARKS**

Applicant submits this Amendment for consideration under 37 C.F.R. 1.78, and respectfully requests that this Amendment be accepted. Note that this request is not a Petition under 37 C.F.R. 1.78(a)(2)(iii), even though the recital in the Application on page one, lines 8 to 12, for Related Applications fails to include a correct claim for the benefit of an earlier filed application as specified in 37 C.F.R. 1.78(a)(2)(iii), because a CORRECT claim for the benefit of the prior filed applications was made in the **DECLARATION** filed with the Application. Hence, as recited in the Declaration, this present Application is a Continuation of prior PCT application No. PCT/US01/51156 filed on October 29, 2001; which itself is a Continuation-in-Part of PCT application No. PCT/US01/23163 filed on July 19, 2001. A copy of the Declaration filed with the Application is attached hereto.

Applicant requests this Amendment in conformance with the instructions stated in the Manual of Patent Examining Procedure at section 201.11 on page 200-64, right hand column (Rev. 2, May 2004). This paragraph states that "If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 C.F.R. 1.78(a)(2)(i) and (a)(2)(iii) ... (e.g. if the benefit claim is included in an ... declaration...) within the time period set forth in 37 C.F.R. 1.78(a)(2)(ii) ..., the Office will not require a petition and the surcharge under 37 C.F.R. 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt." Applicant clearly made a correct benefit claim in the Declaration filed with the Application. The filing receipt recognizes this (a copy of the

Filing Receipt is attached). Hence, applicant believes that an Amendment of the paragraph concerning Related Applications is proper, and a Petition is not required.

It is further noted that the claim made in the present Application, though incomplete, was to the earlier filed PCT application and thus did not lead to an inaccurate determination of actual priority. Also, it is noted that, because the DECLARATION and Power of Attorney document executed and sent in with the Transmittal of the present Application recites the correct chain of priority in the claim of benefit under 35 U.S.C. 120, there is no intent to deceive from the records.

In view of the above, Applicant respectfully requests that the Examiner consider and accept this Amendment. If the Examiner has any questions concerning this Amendment, please contact Applicant's Attorney at 864-627-0933.

Respectfully submitted,



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Dated: May 31, 2005